

**In the Drawing**

Attachment: Replacement Sheet(s)

Annotated Sheets Showing Changes

One New Sheet Containing Figure 11

### **Remarks**

Claims 1-79 were pending in the application, with claims 1-4, 31, 32, 53 and 54 rejected, claims 5-15, 33-52 and 55-59 objected to, and claims 16-30 and 60-79 allowed. The drawing and specification were also objected to. Claim 53 has been amended, as has been the drawings and specification. In view of the amendments and the following remarks, reconsideration of the application is respectfully requested.

### **Response to Drawing and Specification Objections**

Applicant apologizes for the large number of clerical and typographical errors appearing in the specification and drawing as filed, and thanks the Examiner for the thorough review of the application for such errors. In each case identified by the Examiner, Applicant has attempted to address the issue by amending the pertinent figure, modifying the corresponding textual section of the specification, or both, as shown in the marked-up figures and specification amendments transmitted herewith. Applicant respectfully submits that the amendments address all issues raised by the Examiner without adding new matter to the application.

With respect to Figure 11, Applicant has reviewed the drafting attorney's file and determined that the formal Figure 11 drawing was lost somewhere between the draftsman and the attorney, and was therefore inadvertently not filed with the application. Applicant has obtained Figure 11 as originally prepared by the draftsman and has submitted that figure herewith. Applicant notes the thorough description of the subject matter of Figure 11 as contained on page 21, line 4 to page 23, line 6, including the statement at page 21, lines 5-6 to the effect that Figure 11 combines features from Figure 7 and 10A, which were transmitted with the original application. In view of the thorough textual description of the subject matter of Figure 11 and the fact that the salient elements of Figure 11 are also shown in other figures, Applicant respectfully submits that Figure 11 contains no new matter. Applicant respectfully requests that Figure 11 as submitted be added to the application.

The Examiner also required a new title for the application. Applicant proposes the title "SYSTEM AND METHOD FOR DISTRIBUTING PACKETS AMONG A PLURALITY OF PATHS TO A DESTINATION," and respectfully submits that the proposed title is indicative of the claimed invention.

### **Response to Claim Rejections**

Claims 1-4, 31, 32, 53, and 54 were rejected under 35 U.S.C. § 102(b) as anticipated by Bakke et al. (U.S. Patent No. 5,566,170). Applicant respectfully traverses this rejection and submits that Bakke fails to teach or suggest all elements on any rejected claim.

With respect to claims 1-4, claim 1 requires in part “a multiplexer operable to obtain information of a next-hop transfer of the received data by selecting from amongst a plurality of next-hop designations; separate fields of the plurality of the second table to originate at least two of the next-hop designations.” The rejection states that these requirements are disclosed at Bakke Figure 2 element 130 and column 9 lines 46-51, and column 21 lines 43-48. Element 130 of Bakke, although confusingly misnamed as a multiplexer, is actually a classical packet *demultiplexer* by description “which periodically clocks bits of information (i.e. protocol data units 140’) out of memory buffer 106 to appropriate memory buffers 132, 134, 136, and 138 which are connected to outbound lines to the communication network.” (Bakke, col. 9, ll. 46-51.) Demultiplexer 130 thus is not “operable to obtain information of a next-hop transfer of the received data by selecting from amongst a plurality of next-hop designations” as claimed—the next-hop designation has been fixed prior to demultiplexer 130, which merely sends the PDU to the “appropriate memory buffer” for its outbound line.

Furthermore, Bakke does not describe a second table “to originate at least two of the next-hop designations.” The Bakke excerpt at column 21 describes portions of “receive information 142” (which is not a table addressed by the output of the first table) that is added to each PDU, but does not describe the forwarding table from the column 14-15 excerpt as having separate fields to originate different next-hop designations in the receive information.

These same deficiencies also affect the additional limitations of claims 2-4, as they apply to the multiplexer and field relationships of the next-hop designations.

With respect to claims 31 and 32, Bakke fails to disclose “a second table comprising a plurality of selectable entries to be output dependent upon the points output by the content addressable memory; the second table output comprising a plurality of data fields; a first data field of the plurality comprising a plurality of sub-fields; at least a first plurality of the selectable entries of the second table comprising ID values for at least one sub-field of the first data field.” Bakke merely discloses “a forwarding table” without describing the table as having the claimed format. As an indication that Bakke uses a CAM-

based approach instead, Bakke column 10 discloses using the CAM, not the second table, to obtain “various addresses required by the preprocessor.”

Furthermore, as discussed above regarding claim 1, the Bakke demultiplexer is not a multiplexer. It does not even connect to a second table, so it cannot “select one of the sub-fields of the first data field of the output of the second table to obtain an ID value.”

Regarding claims 53 and 54, claim 53 has been amended to clarify what is claimed. Claim 53 now recites “determining a number of available forwarding paths associated with the destination address, wherein for at least one destination address the number of available forwarding paths associated with the destination address is greater than one; and when the number of available forwarding paths is greater than one, transferring the received data to select ones of the number of forwarding paths.” Bakke column 10 describes various address comparisons that “can be” made using CAM 128, but fails to disclose determining a number of available forwarding paths associated with the destination address as part of the operation of Bakke.

The cited sections of Bakke also fail to teach that “the select ones of the paths [are] determined by a distribution algorithm that distributes path utilization across the available forwarding paths,” as claimed.

Applicant respectfully submits that Bakke fails to teach all elements of any rejected claim, and therefore Applicant requests withdrawal of the rejections based on Bakke.

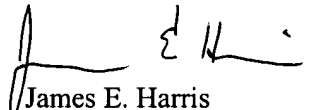
### **Response to Claim Objections**

Claims 5-15, 33-52, and 55-59 were objected to as allowable but dependent upon a rejected base claim. In view of the arguments presented above for the base claims, Applicant has elected not to rewrite the objected-to claims at the present time.


### Conclusion

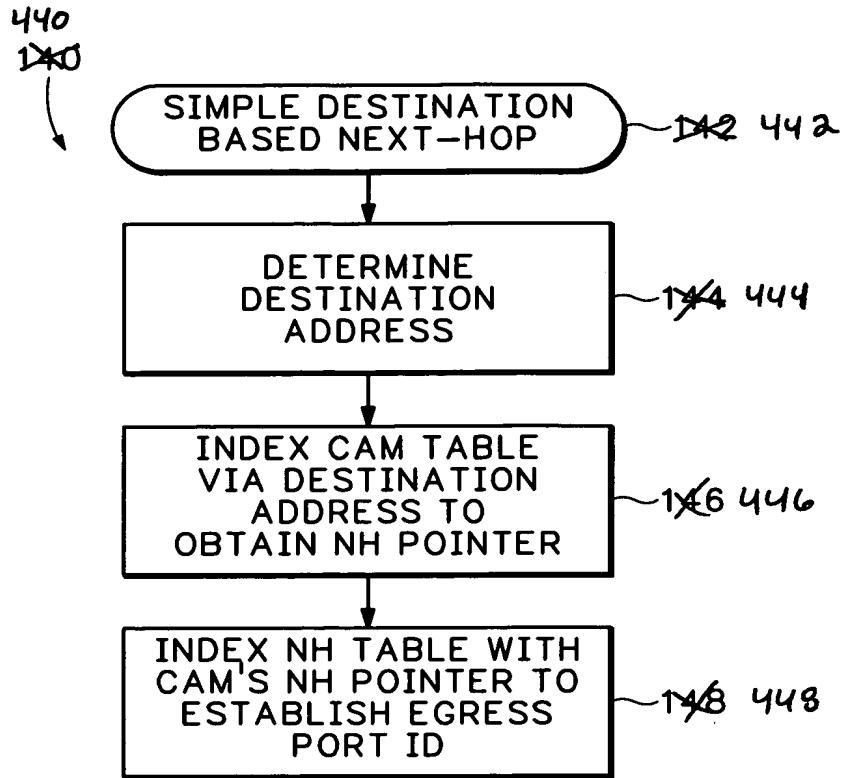
Applicant acknowledges the allowance of claims 16-30 and 60-79, and respectfully requests allowance of claims 1-15 and 31-59.

Respectfully submitted,

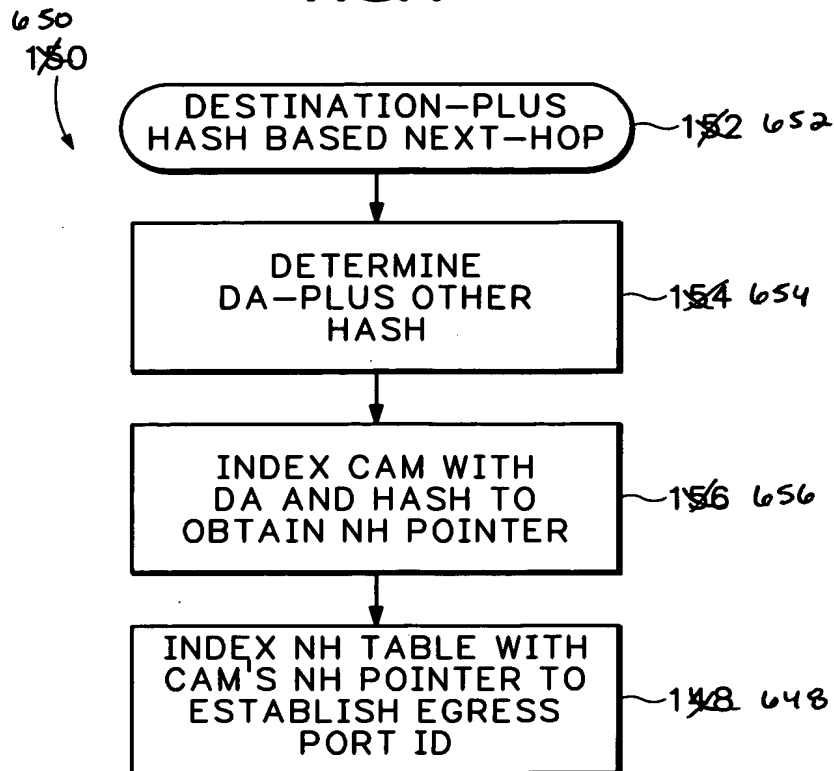
  
James E. Harris  
Registration No. 40,013

Date: 6/7/6  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 512.867.8502  
Facsimile: 512.867.8663  
[ipdocketing@haynesboone.com](mailto:ipdocketing@haynesboone.com)

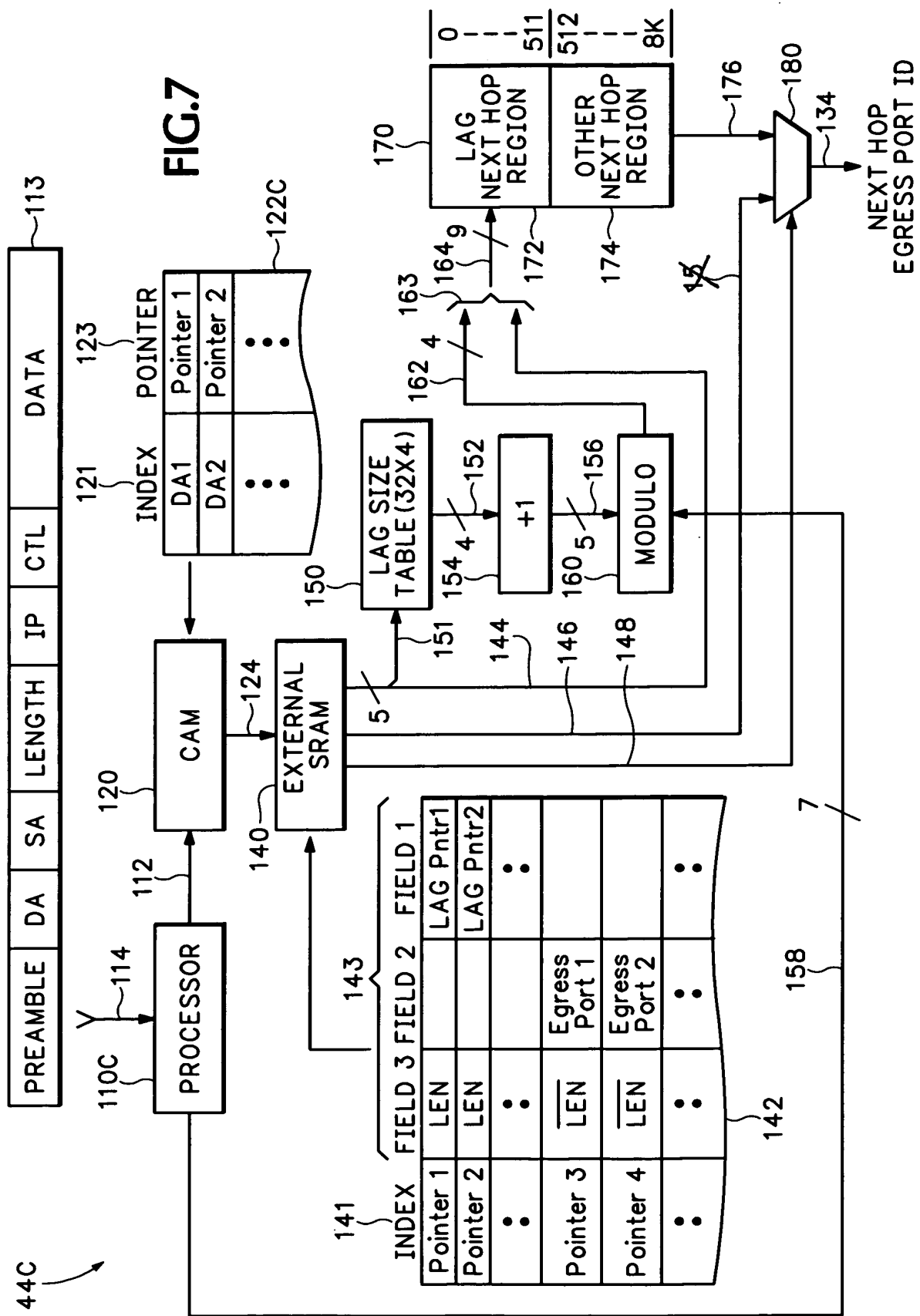
| CERTIFICATE OF MAILING   |   |
|--|---|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |   |
| on   | <u>June 7, 2006</u>   |
| Date   | <u></u> |
| Susan C. Lien  |   |

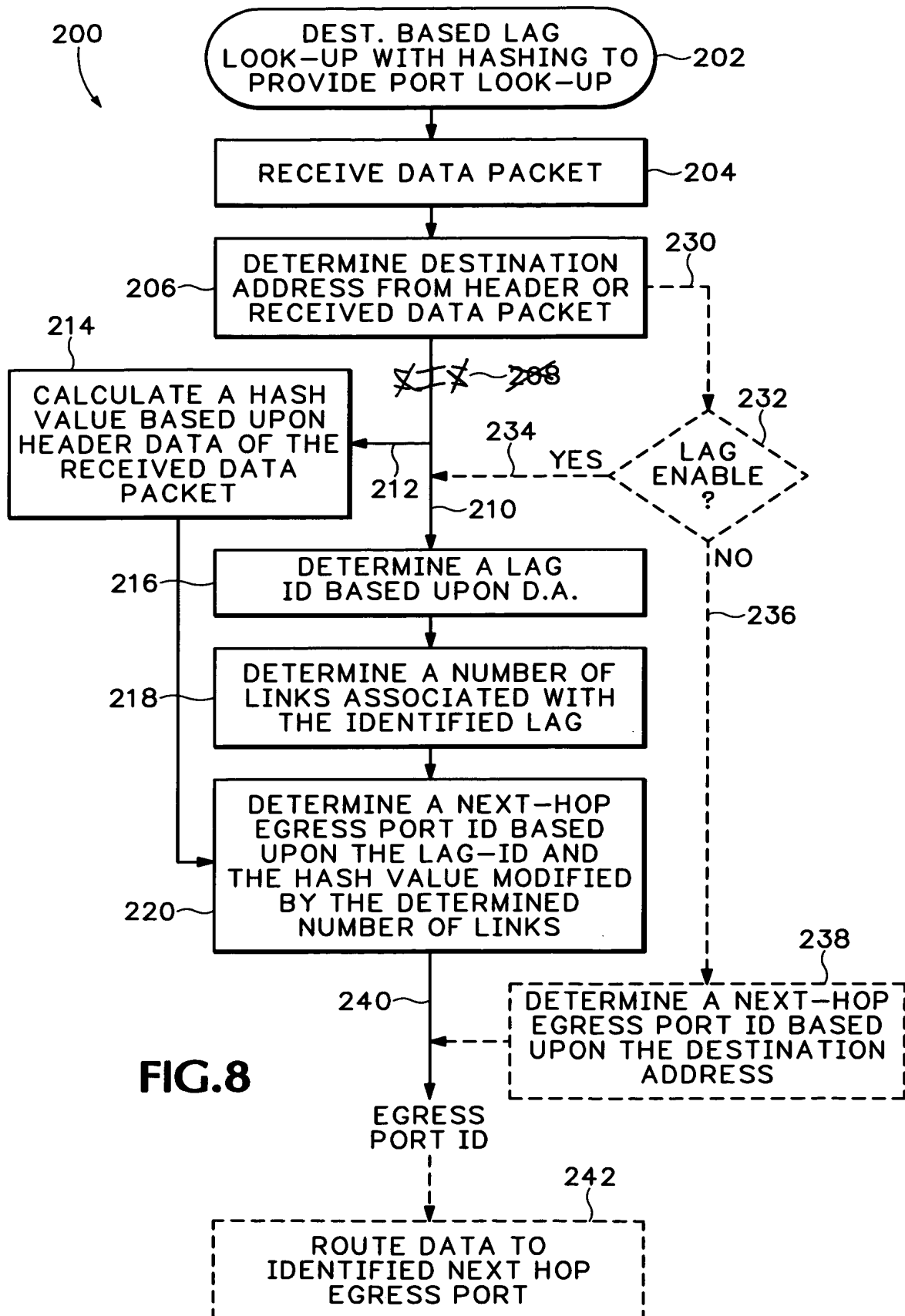


**FIG.4**

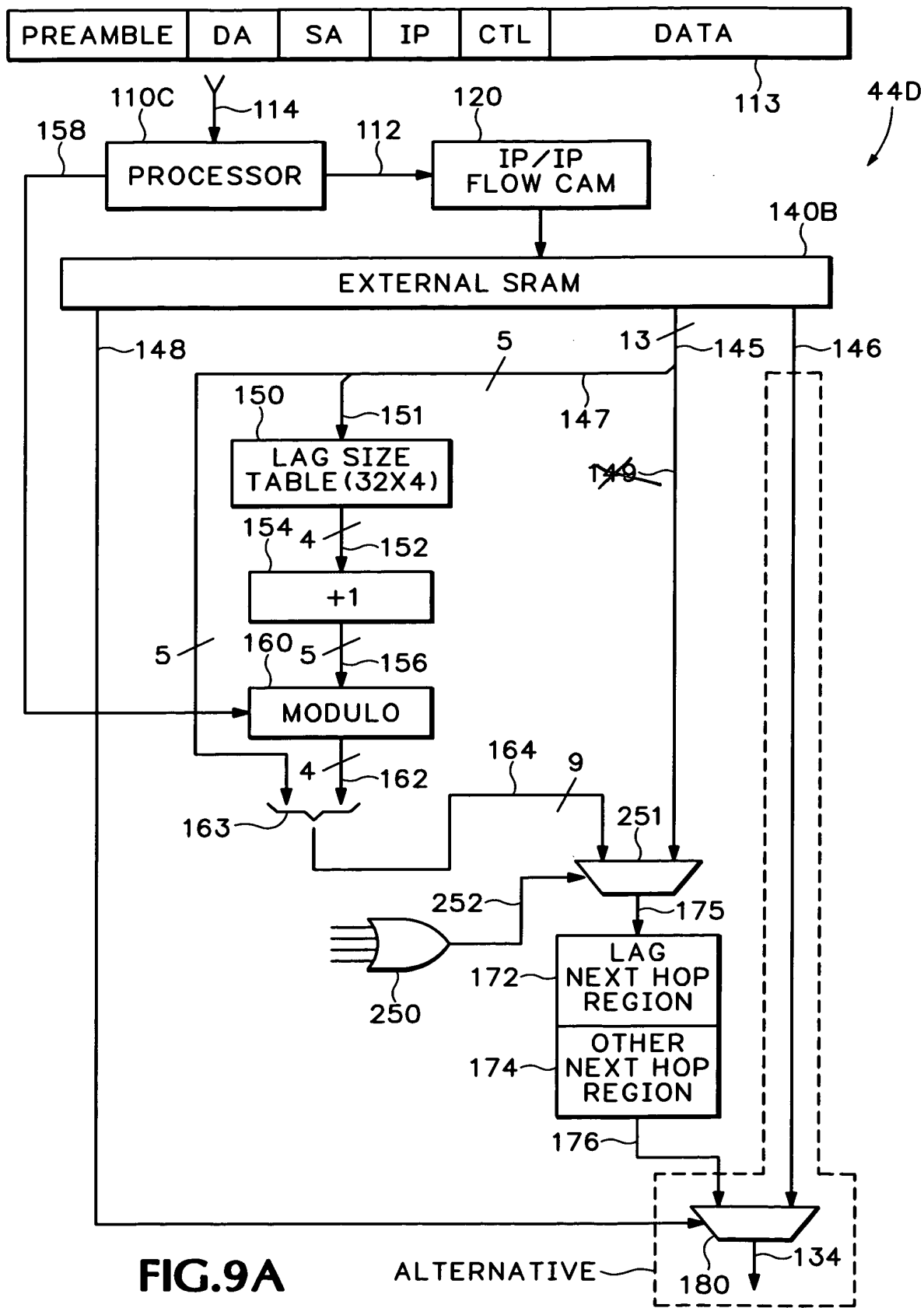


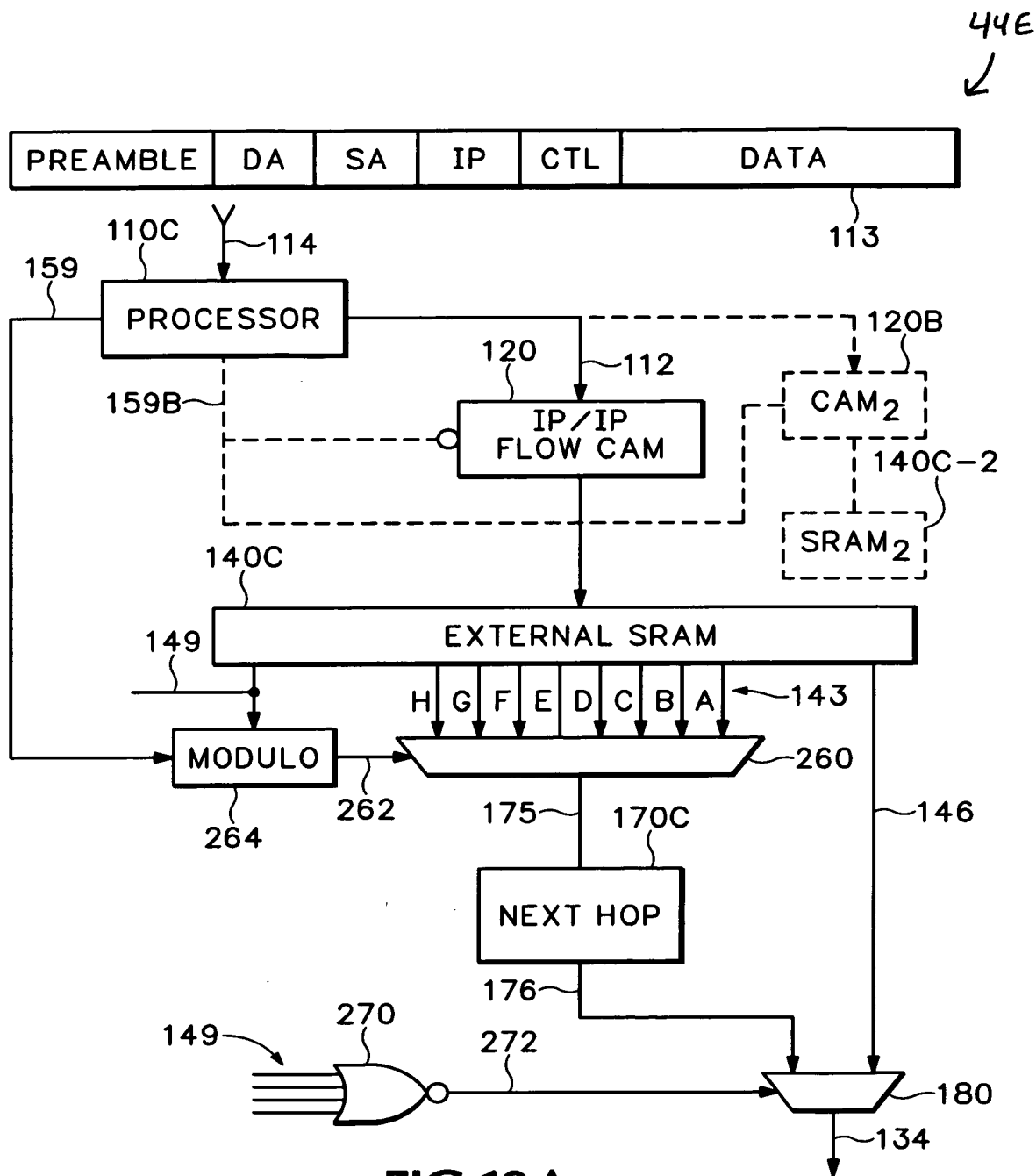
**FIG.6**











**FIG.10A**